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Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session

Report of the Sixth Committee

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I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 11th, 12th, 19th and 24th meetings, on 10, 11, 20 and 27 October 2016. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its forty-ninth session (A/71/17).

4. At the 11th meeting, on 10 October, the Chair of the United Nations Commission on International Trade Law at its forty-ninth session introduced the report of the Commission on the work of its forty-ninth session.

[1] A/C.6/71/SR.11, A/C.6/71/SR.12, A/C.6/71/SR.19 and A/C.6/71/SR.24.

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II. Consideration of proposals

A. Draft resolution A/C.6/71/L.10

5. At the 19th meeting, on 20 October, the representative of Austria, on behalf of Algeria, Argentina, Austria, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Iceland, India, Italy, Japan, Liechtenstein, Luxembourg, Madagascar, Mauritius, the Netherlands, the Philippines, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Sweden, Thailand, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Australia, Ireland, New Zealand, the Russian Federation, Singapore and Switzerland, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session" (A/C.6/71/L.10).

6. At the 24th meeting, on 27 October, Belgium, Israel, the Republic of Moldova and Ukraine joined in sponsoring the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.6/71/L.10 without a vote (see para. 14, draft resolution I).

B. Draft resolution A/C.6/71/L.11

8. At the 19th meeting, on 20 October, the representative of Austria, on behalf of the Bureau, introduced a draft resolution entitled "Model Law on Secured Transactions of the United Nations Commission on International Trade Law" (A/C.6/71/L.11).

9. At its 24th meeting, on 27 October, the Committee adopted draft resolution A/C.6/71/L.11 without a vote (see para. 14, draft resolution II).

C. Draft resolution A/C.6/71/L.12

10. At the 19th meeting, on 20 October, the representative of Austria, on behalf of the Bureau, introduced a draft resolution entitled "2016 Notes on Organizing Arbitral Proceedings of the United Nations Commission on International Trade Law" (A/C.6/71/L.12).

11. At its 24th meeting, on 27 October, the Committee adopted draft resolution A/C.6/71/L.12 without a vote (see para. 14, draft resolution III).

D. Draft resolution A/C.6/71/L.13

12. At the 19th meeting, on 20 October, the representative of Austria, on behalf of the Bureau, introduced a draft resolution entitled "Technical Notes on Online Dispute Resolution of the United Nations Commission on International Trade Law" (A/C.6/71/L.13).

13. At its 24th meeting, on 27 October, the Committee adopted draft resolution A/C.6/71/L.13 without a vote (see para. 14, draft resolution IV).

III. Recommendation of the Sixth Committee

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

Having considered the report of the Commission,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law;[1]

[1] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17* (A/71/17).

2. *Commends* the Commission for the finalization and adoption of the Model Law on Secured Transactions,[2] the 2016 Notes on Organizing Arbitral Proceedings[3] and the Technical Notes on Online Dispute Resolution;[4]

3. *Notes with satisfaction* that the Commission has instructed its secretariat to commence preparations for a Congress to commemorate the Commission's fiftieth anniversary during its fiftieth session, with the objectives to discuss technical issues and to raise awareness of the Commission and its potential to support cross-border commerce;[5]

4. *Also notes with satisfaction* the contributions from the Fund for International Development of the Organization of the Petroleum Exporting Countries and from the European Union, which allow the operation of the repository of published information under the Rules on Transparency in Treaty-based Investor-State Arbitration[6] until the end of 2016 and beyond, and that the Commission reiterated its strong and unanimous opinion that the secretariat of the Commission should continue to operate the transparency repository, which constitutes a central feature both of the Rules on Transparency and of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (Mauritius Convention on Transparency);[7]

5. *Requests* the Secretary-General to continue to operate, through the secretariat of the Commission, the repository of published information in accordance with article 8 of the Rules on Transparency, as a pilot project until the end of 2017, to be funded entirely by voluntary contributions, and to keep the General Assembly informed of developments regarding the funding and budgetary situation of the transparency repository based on its pilot operation;

6. *Takes note with interest* of the decisions taken by the Commission as regards its future work and the progress made by the Commission in its work in the areas of dispute settlement,[8] electronic commerce, insolvency law, security interests[9] and international trade law aimed at reducing the legal obstacles faced by micro-, small- and medium-sized enterprises throughout their life cycle, and encourages the Commission to continue to move forward efficiently to achieve tangible work outcomes;

7. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to

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[2] Ibid., chap. III, sect. A.
[3] Ibid., chap. IV, sect. A.
[4] Ibid., chap. V and annex I.
[5] Ibid., paras. 368-370.
[6] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), annex I.
[7] Resolution 69/116, annex.
[8] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17* (A/71/17), chaps. IV and V.
[9] Ibid., chap. III.

promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

8. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical cooperation and assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, and in that respect encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation of legal standards resulting from its work;

(b) Expresses its appreciation to the Commission for carrying out technical cooperation and assistance activities and for providing assistance with legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical cooperation and assistance activities to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, for the financing of special projects and otherwise to assist the secretariat of the Commission in carrying out technical cooperation and assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate with the Commission and coordinate their activities with those of the Commission in the light of the relevance and importance of the work and programmes of the Commission for the promotion of the rule of law at the national and international levels and for the implementation of the international development agenda, including the achievement of the 2030 Agenda for Sustainable Development;[10]

(e) Recalls its resolutions stressing the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, welcomes the efforts of the Secretary-General to ensure greater coordination and coherence among United Nations entities and with donors and recipients, notes the endorsement by the Commission of the Guidance Note on Strengthening United Nations Support to States, Upon Their Request, to Implement Sound Commercial Law Reforms,[11] and requests the Secretary-General to circulate the Guidance Note as broadly as possible to its intended users;

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[10] Resolution 70/1.

[11] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17* (A/71/17), para. 262 and annex II.

9. *Recalls* the importance of adherence to the rules of procedure and methods of work of the Commission, including transparent and inclusive deliberations, taking into account the summary of conclusions as reproduced in annex III to the report on the work of its forty-third session,[12] requests the Secretariat to issue, prior to meetings of the Commission and of its working groups, a reminder of those rules of procedure and methods of work with a view to ensuring the high quality of the work of the Commission and encouraging the assessment of its instruments, and in this regard recalls its previous resolutions related to this matter;

10. *Welcomes* the activities of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific, in the Republic of Korea, towards providing capacity-building and technical assistance services to States in the Asia-Pacific region, including to international and regional organizations, expresses its appreciation to the Republic of Korea and China, whose contributions enabled continuing operation of the Regional Centre, notes that the continuation of the regional presence relies entirely on extrabudgetary resources, including but not limited to voluntary contributions from States, welcomes expressions of interest from other States in hosting regional centres of the Commission, and requests the Secretary-General to keep the General Assembly informed of developments regarding the establishment of regional centres, in particular their funding and budgetary situation;

11. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the Trust Fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, in order to enable renewal of the provision of that assistance and to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in those countries to put in place a regulatory and enabling environment for business, trade and investment;

12. *Decides*, in order to ensure full participation of all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the seventy-first session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

13. *Endorses* the conviction of the Commission that the implementation and effective use of modern private law standards in international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger and that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General;

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[12] Ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17).

14. *Notes* the rule of law panel discussion held at the forty-ninth session of the Commission and the comments transmitted by the Commission pursuant to paragraph 20 of General Assembly resolution 70/118 of 14 December 2015, highlighting its role in promoting the rule of law, in particular the role of the multilateral treaty processes of the Commission in promoting and advancing the rule of law in the field of international trade law and the role of the Commission in promoting the rule of law by facilitating access to justice;[13]

15. *Notes with satisfaction* that, in paragraph 8 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, adopted by consensus as resolution 67/1 of 24 September 2012, Member States recognized the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship and, in this regard, commended the work of the Commission in modernizing and harmonizing international trade law and that, in paragraph 7 of the declaration, Member States expressed their conviction that the rule of law and development were strongly interrelated and mutually reinforcing;

16. *Also notes with satisfaction* that, in paragraph 89 of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, adopted by the General Assembly by consensus as resolution 69/313 of 27 July 2015, States endorsed the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field;

17. *Reiterates its request* to the Secretary-General, in conformity with resolutions of the General Assembly on documentation-related matters,[14] which, in particular, emphasize that any invitation to limit, where appropriate, the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and functions of the Commission in the progressive development and codification of international trade law when implementing page limits with respect to the documentation of the Commission;[15]

18. *Requests* the Secretary-General to continue the publication of Commission standards and the provision of summary records of the meetings of the Commission, including committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts, and takes note of the Commission's decision to continue the trial use of digital recordings, in parallel with summary records where applicable, with a view to assessing the experience of using digital recordings and, on the basis of that

[13] Ibid., *Seventy-first Session, Supplement No. 17* (A/71/17), paras. 339-342.

[14] Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

[15] Resolutions 59/39, para. 9, and 65/21, para. 18; see also *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 124-128.

assessment, taking a decision at a future session regarding the possible replacement of summary records by digital recordings;[16]

19. *Recalls* paragraph 48 of its resolution 66/246 of 24 December 2011 regarding the rotation scheme of meetings between Vienna and New York;

20. *Stresses* the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to conventions, enacting model laws and encouraging the use of other relevant texts;

21. *Notes with appreciation* the work of the Secretariat on the system for the collection and dissemination of case law on Commission texts in the six official languages of the United Nations (the CLOUT system), notes the resource-intensive nature of the system, acknowledges the need for further resources to sustain and expand it, and in this regard welcomes efforts by the Secretariat towards building partnerships with interested institutions, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to assist the secretariat of the Commission in raising awareness as to the availability and usefulness of the CLOUT system in professional, academic and judiciary circles and in securing the funding required for the coordination and expansion of the system and the establishment, within the secretariat of the Commission, of a pillar focused on the promotion of ways and means of interpreting Commission texts in a uniform manner;

22. *Welcomes* the continued work of the Secretariat on digests of case law related to Commission texts, including their wide dissemination, as well as the continuing increase in the number of abstracts available through the CLOUT system, in view of the role of the digests and the CLOUT system as important tools for the promotion of the uniform interpretation of international trade law, in particular by building local capacity of judges, arbitrators and other legal practitioners to interpret those standards in the light of their international character and the need to promote uniformity in their application and the observance of good faith in international trade;

23. *Recalls* its resolutions affirming the importance of high-quality, user-friendly and cost-effective United Nations websites and the need for their multilingual development, maintenance and enrichment,[17] commends the fact that the website of the Commission is published in the six official languages of the United Nations, and welcomes the continuous efforts of the Commission to maintain and improve its website, including by developing new social media features, in accordance with the applicable guidelines.[18]

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[16] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 276.

[17] Resolutions 52/214, sect. C, para. 3; 55/222, sect. III, para. 12; 56/64 B, sect. X; 57/130 B, sect. X; 58/101 B, sect. V, paras. 61-76; 59/126 B, sect. V, paras. 76-95; 60/109 B, sect. IV, paras. 66-80; and 61/121 B, sect. IV, paras. 65-77.

[18] Resolution 63/120, para. 20.

Draft resolution II
Model Law on Secured Transactions of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolutions 56/81 of 12 December 2001, 63/121 of 11 December 2008, 65/23 of 6 December 2010 and 68/108 of 16 December 2013, in which it recommended that States consider or continue to consider becoming parties to the United Nations Convention on the Assignment of Receivables in International Trade[1] and giving favourable consideration to the *UNCITRAL Legislative Guide on Secured Transactions, the Supplement on Security Rights in Intellectual Property* and the *UNCITRAL Guide on the Implementation of a Security Rights Registry*, respectively,

Recalling further that, at its forty-sixth session, in 2013, the Commission entrusted Working Group VI (Security Interests) with the preparation of a model law on secured transactions based on the recommendations of the *UNCITRAL Legislative Guide on Secured Transactions* and consistent with all texts prepared by the Commission on secured transactions,[2]

Noting that Working Group VI devoted six sessions,[3] from 2013 to 2016, to the preparation of the Model Law on Secured Transactions,

Noting also that, at its forty-eighth session, in 2015, the Commission approved the substance of the registry-related provisions of the Model Law,[4]

Noting with satisfaction that the Model Law is based on the recommendations of the *UNCITRAL Legislative Guide on Secured Transactions* and consistent with all texts prepared by the Commission on secured transactions, and with those texts thus provides comprehensive guidance to States with respect to legal and practical issues that need to be addressed when implementing a modern secured transactions regime,

Recognizing that an efficient secured transactions regime with a publicly accessible security rights registry of the kind provided for in the Model Law is likely to increase access to affordable secured credit and thus promote economic growth, sustainable development, the rule of law and financial inclusion, as well as assist in combating poverty,

Recognizing also that the harmonization of national secured transactions regimes and registries on the basis of the Model Law is likely to increase the availability of secured credit across national borders and thus facilitate the

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[1] General Assembly resolution 56/81, annex.

[2] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 194 and 332.

[3] See A/CN.9/796, A/CN.9/802, A/CN.9/830, A/CN.9/836, A/CN.9/865 and A/CN.9/871.

[4] *Official Records of the General Assembly, Seventieth Session, Supplement No. 17* (A/70/17), para. 214.

development of international trade, which, if achieved on the basis of equality and mutual benefit to all States, is an important element in promoting friendly relations among States,

Recognizing further that secured transactions law reform could not be effectively implemented without the establishment of an efficient, publicly accessible security rights registry where information about the potential existence of a security right in movable assets may be registered, and that States urgently need guidance with respect to the establishment and operation of such registries,

Convinced that the Model Law will contribute to greater legal certainty in the exercise of international commercial activities for the benefit of all States, particularly developing countries and States with economies in transition,

Noting with appreciation that all States and interested international organizations were invited to participate in the preparation of the draft Model Law at all the sessions of the Working Group and at the forty-eighth and forty-ninth sessions of the Commission, either as members or as observers, and that comments received after circulation of the text of the Model Law to all Governments were before the Commission at its forty-ninth session,[5]

Expressing its appreciation to international intergovernmental and non-governmental organizations active in the field of secured transactions law reform for their participation in and support for the development of the Model Law,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for completing and adopting the Model Law on Secured Transactions;[6]

2. *Requests* the Secretary-General to publish the Model Law, including electronically, in the six official languages of the United Nations, and to disseminate it broadly to Governments and other interested bodies;

3. *Recommends* that all States give favourable consideration to the Model Law when revising or adopting legislation relevant to secured transactions, and invites States that have used the Model Law to advise the Commission accordingly;

4. *Also recommends* that, where necessary, States continue to give favourable consideration to the *UNCITRAL Guide on the Implementation of a Security Rights Registry* when revising relevant legislation, administrative regulations or guidelines, and to the *UNCITRAL Legislative Guide on Secured Transactions* and the *Supplement on Security Rights in Intellectual Property* when revising or adopting legislation relevant to secured transactions, and invites States that have used the guides to advise the Commission accordingly;

5. *Further recommends* that all States continue to consider becoming parties to the United Nations Convention on the Assignment of Receivables in International Trade,[1] the principles of which are also reflected in the Model Law, and the optional annex to which refers to the registration of notices with regard to assignments.

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[5] See A/CN.9/886 and A/CN.9/887 and Add.1.

[6] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17* (A/71/17), chap. III, sect. A.

Draft resolution III
2016 Notes on Organizing Arbitral Proceedings of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolution 51/161 of 16 December 1996, in which it commended the Commission for the finalization of the Notes on Organizing Arbitral Proceedings,

Reaffirming the value and increased use of arbitration as a method of settling disputes,

Recognizing the need for revising the Notes to conform to current arbitral practices,

Noting that the purpose of the Notes is to list and briefly describe matters relevant to the organization of arbitral proceedings and that the Notes, prepared with a focus on international arbitration, are intended to be used in a general and universal manner, regardless of whether the arbitration is administered by an arbitral institution,

Noting also that the Notes do not seek to promote any practice as best practice, given that procedural styles and practices in arbitration vary and each of them has its own merit,

Recognizing that the revision of the Notes was the subject of due deliberation in the Commission, which benefited greatly from consultations with Governments and interested intergovernmental and international non-governmental organizations active in the field of arbitration, including arbitral institutions, as well as individual experts,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for preparing and adopting the 2016 Notes on Organizing Arbitral Proceedings;[1]

2. *Recommends* the use of the 2016 Notes, including by parties to arbitration, arbitral tribunals and arbitral institutions, as well as for academic and training purposes with respect to international commercial dispute settlement;

3. *Requests* the Secretary-General to publish the 2016 Notes, including electronically, in the six official languages of the United Nations, and to make all efforts to ensure that the Notes become generally known and available.

[1] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17* (A/71/17), chap. IV, sect. A.

Draft resolution IV
Technical Notes on Online Dispute Resolution of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recognizing that the sharp increase in online cross-border transactions has raised a need for mechanisms for resolving disputes that arise from such transactions, and recognizing also that one such mechanism is online dispute resolution,

Observing that online dispute resolution can assist the parties in resolving the dispute in a simple, fast, flexible and secure manner, without the need for physical presence at a meeting or hearing,

Observing also that online dispute resolution represents significant opportunities for access to dispute resolution by buyers and sellers concluding cross-border commercial transactions, both in developed and developing countries,

Recalling that, at its forty-third session, in 2010, the Commission agreed that a working group should be established to undertake work in the field of online dispute resolution,[1] and that, at its forty-eighth session, in 2015, the Commission decided that the work should take the form of a non-binding descriptive document reflecting elements of an online dispute resolution process,[2]

Noting that the Technical Notes on Online Dispute Resolution[3] are non-binding and descriptive and reflect the principles of impartiality, independence, efficiency, effectiveness, due process, fairness, accountability and transparency,

Noting also that the Technical Notes are expected to contribute significantly to the development of systems to enable the settlement of disputes arising from cross-border low-value sales or service contracts concluded using electronic communications,

Convinced that the Technical Notes will significantly assist all States, in particular developing countries and States whose economies are in transition, online dispute resolution administrators, online dispute resolution platforms, neutrals and the parties to online dispute resolution proceedings in developing and using online dispute resolution systems,

Noting with appreciation that all States and interested international organizations were invited to participate in the preparation of the Technical Notes

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[1] *See Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 257.

[2] Ibid., *Seventieth Session, Supplement No. 17* (A/70/17), para. 352.

[3] Ibid., *Seventy-first Session, Supplement No. 17* (A/71/17), annex I.

either as members or as observers from the forty-fourth to the forty-ninth sessions of the Commission, including through circulation of the text of the draft Technical Notes for comment to all States as well as to international organizations invited to attend the meetings of the Commission as observers,

Noting that the preparation of the Technical Notes was the subject of due deliberation in the Commission and that the draft text benefited from consultations with Governments and interested intergovernmental and international non-governmental organizations,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for preparing and adopting the Technical Notes on Online Dispute Resolution as annexed to the report of the Commission on the work of its forty-ninth session;[4]

2. *Requests* the Secretary-General to publish the text of the Technical Notes through all appropriate means, including electronically, in the six official languages of the United Nations, and to disseminate that text broadly to Governments and other interested bodies;

3. *Recommends* that all States and other stakeholders use the Technical Notes in designing and implementing online dispute resolution systems for cross-border commercial transactions;

4. *Requests* all States to support the promotion and use of the Technical Notes.

[4] Ibid., *Seventy-first Session, Supplement No. 17* (A/71/17).